

From: Ken Cobler
To: Microsoft ATR
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Subject: Microsoft Anti-trust settlement

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To Whom It May Concern:

RE: The Microsoft Anti-trust settlement

I am an independent computer consultant in the Chicago area. My client base includes several small to medium-size companies that have the need for a computer consultant, however, do not have the need to hire a full time staff member dedicated for their IT solutions. I have over 14 years experience working with computers (mainframes, servers, workstations, and desktop computers) with a variety of operating systems.

Working with small to medium-size companies, I receive the entire spectrum of requests for computer support: building computer systems, installing operating systems, installing application software, networking computers together for local and wide area, making software recommendations, designing and writing custom built software applications. From my clients' direction, the two most required features of an operating system for a computer solution are price and reliability. Price is obvious: the lower the cost, the better for the client. The more reliable a computer system is, the less maintenance time the client will have (which directly lowers the total cost of the computer solution).

For my clients, I have purchased and installed open source software for the operating system and file/print services (i.e., Linux and Samba). Though many of my customers use Microsoft Windows based desktop on the client side, Linux and Samba comprise the server side.

With regards to the small to medium-size company, below are my grievances with the proposed Microsoft Anti-trust settlement.

1. Microsoft application developers will still be able to practice unfair competition.

Windows Application Programming Interface (API) allows Microsoft applications to integrate seamlessly with Microsoft operating systems. Competitive products do not integrate well with a new release of Microsoft operating systems. Rather competitive products must go through an upgrade to work with a new Microsoft operating system. The root cause is that Microsoft application developers have access to Windows APIs (both documented and undocumented). To remedy this problem, Microsoft should be split into three companies: application software, operating system software and network services (i.e. MSN). All Windows APIs must be revealed to the competition, as well as Microsoft application developers. Only at the time of a new operating system release will application developers (Microsoft application developers and the competition) get access to the new/updated Windows API details.

2. Network protocol interfaces must be completely released and the ability for non-

Microsoft entities to integrate their network protocols into the same Windows API as Microsoft network protocols. By revealing the network protocols, Microsoft Windows desktops can be easily integrated into non-Microsoft servers (i.e., Linux and Samba). By providing the ability for non-Microsoft entities to integrate their network protocols into Microsoft operating systems, competition for better network communication protocols will benefit Microsoft operating system desktop users.

3. File formats of all Microsoft application software need to be disclosed and changes to the file format released at their product release. Interoperability of Microsoft software and competitive software needs to be maintained, such that, when Microsoft releases a new version of their software, competition's software has the ability to read Microsoft file formats. Without file formats being detailed, the competition's software may not access files created by Microsoft applications, thus, requiring Microsoft applications to also be installed to access the information contained within (and again, eliminating the competition).

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4. Recent deployment of Windows XP and the resulting security breach clearly identifies that Microsoft cannot be an operating system company, an application company and a network services company. A convicted monopoly must insure that the security and efficacy of their operating system does not jeopardize the network computing community. If security is breached when a new Microsoft operating system is released, then Microsoft should pay a fine. The message to Microsoft is simple: Pay for your research and development up front or pay for it in the back as a fine. Consumers are not your test bed for under developed operating systems.

5. With the release of Windows XP, Microsoft is still up to its monopolistic practices of integrating similar competitive applications into its operating system releases to eliminate competition. Two products that have been added to the latest Windows operating system are: remote administration ability and CD-RW ability (burn CDs). Both of these products were available from the competition, however, by bundling these features into the operating system Microsoft again eliminates its competition, similar to what Microsoft did when it bundled its Internet Explorer browser into its operating systems. The Anti-trust settlement does not go far enough to stop this predatory practice.

6. The actual cost of the bundled software when purchasing a computer system must be listed on the computer invoice, and must be permitted to purchase the same computer without the software (unbundled). Currently, when a computer consumer goes to purchase a new computer, only Microsoft operating systems are bundled with the computer. A special order computer must be made to purchase a computer without a Microsoft operating system.

7. Microsoft should pay, in the form of a fine, for the time to register and activate its new operating system and application software releases. Why should users pay the bill to register and activate an operating system feature that users never requested? I realize Microsoft is trying to reduce or eliminate software piracy, however that should not encroach on the user's time or expense to provide this service to Microsoft without being compensated. When trying to activate operating systems or application software on 25, 50, or over 100 desktops, this cost becomes large. Microsoft, the initiator of the act, should be burdened for the time and expense.

8. In October of 2001, Microsoft owned and operated web sites would only work with Internet Explorer. The Anti-trust settlement does nothing to insure that non-Microsoft browsers will be locked out of Microsoft owned web sites. Again, another predatory tactic of Microsoft to insure their monopoly by eliminating any non-Microsoft browser from connecting to their web sites.

9. Developing web sites that put Microsoft in a negative light is not allowed in the license agreement the user must acknowledge when using Front Page 2001, a Microsoft web site development tool. If this type of licensing is permitted (and enforceable), then the government is acting as a subsidiary of Microsoft Corporation, and allowing violation of the Freedom of Speech by a convicted monopoly. The Anti-trust settlement does not address this issue.

10. Microsoft's direction to annually tax for the use of their operating system and its application software means user's work developed today may not be accessible in the future, if the Microsoft annual fee is not paid. This amounts to extortion. The Anti-trust settlement does not curtail this Microsoft practice. If this practice is allowed, then it must clearly be labeled before a user purchases a Microsoft product to decide whether or not the terms are acceptable. If the terms of the agreement are not disclosed before opening the software box, after opening the software, often the user is not allowed to return the software.

11. I chose the words entities and competition throughout this list of grievances, because I advocate that competition does not solely come from for-profit companies. However, competition does also appear in the form of open source solutions as well (i.e., Linux and Samba). The current Anti-trust settlement favors Microsoft by eliminating the requirement to share its Windows API, networking

protocols, file formats, and any information detailed in the settlement with open source groups or non-profit organizations.

12. Historically, the government has split monopolies up to insure competition and protect the people from abuse of the monopoly. I strongly think Microsoft should be split into three companies: applications software, operating system software, and network services. Since Microsoft is convicted of being and acting as a monopoly, yet the government does not want to split Microsoft up, I think a new remedy must be imposed on Microsoft. That remedy is Microsoft must list the words "A Monopoly" with all their Microsoft brandings of their products, services, web sites, etc. Anywhere Microsoft lists the words Microsoft Corporation, the clause "A Monopoly" must also be listed.

In my humble opinion,

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